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SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

DEPUTY

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

) CASE No:

11 MJ 9391

Plaintiff,

) COMPLAINT FOR VIOLATION OF

v.

) Title 8 U.S.C. § 1324(a)(2)(B)(ii)

) Bringing In Illegal Aliens

Luis Alberto FONSECA

) for financial gain (Felony)

Defendant.

The undersigned complainant, being duly sworn, states:

On or about September 17, 2011, within the Southern District of California, defendant, Luis Alberto FONSECA, with the intent to violate immigration laws of the United States, knowing and in reckless disregard of the fact that one alien, namely, Griselda CASTANEDA-Sandoval, had not received prior official authorization to come to, enter and remain in the United States, did bring to the United States said alien for the purpose on commercial advantage and private financial gain. In violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii).

And the complainant states this complaint is based on the attached Probable Cause Statement which is incorporated herein by reference.

Ismael Juarez, CBP
Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19th
DAY OF SEPTEMBER 2011.

HON. PETER C. LEWIS
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA
2 v.
3 Luis Alberto FONSECA

4 PROBABLE CAUSE STATEMENT

5 I, Customs and Border Protection Enforcement Officer
6 Margarita Carter, declare under penalty of perjury, the following
7 is true and correct:

8 On September 17, 2011, at approximately 1:20 p.m., Luis
9 Alberto FONSECA (FONSECA) and Griselda CASTANEDA-Sandoval
10 (CASTANEDA) applied for entry at the Calexico, California West
11 Port of Entry Pedestrian Primary.

12 During primary inspection, CASTANEDA gave a negative
13 Customs declaration to the primary United States Customs and
14 Border Protection Officer (CBPO) Noriega. CASTANEDA presented
15 a DSP-150 Border Crossing card with a name and photo not
16 belonging to her as her entry document. CASTANEDA stated she
17 resided in Mexicali, Mexico and was going shopping in Calexico.
18 CBPO Noriega suspected fraud and escorted CASTANEDA to
19 Pedestrian Secondary for further inspection. CBPO Noriega
20 returned to his primary pedestrian lane and continued to
21 inspect FONSECA. FONSECA gave a negative Customs declaration
22 and stated he was a United States citizen. FONSECA further
23 stated his documents had been stolen in Mexico. At this time
24 CBPO Noriega escorted FONSECA to pedestrian secondary for
25 further inspection.

26 In Pedestrian Secondary, United States Customs and Border
27 Protection Officer (CBPO) Gomez encountered FONSECA and
28 CASTANEDA (Material Witness). Routine record checks were
conducted revealing CASTANEDA was an imposter to a counterfeit
DSP-150 card. Records confirmed FONSECA is an alien, native,
and citizen of Mexico, with no legal documents to enter into or

1 be in the United States. Routine record checks also revealed
2 FONSECA had previous apprehensions for alien and narcotic
3 smuggling. At this time FONSECA and CASTANEDA were escorted to
4 the Port Enforcement Team for further investigation.

5 FONSECA was advised of his rights per Miranda in the Spanish
6 language. FONSECA stated he understood his rights and was willing
7 to answer questions without the presence of an attorney. FONSECA
8 admitted he was smuggling CASTANEDA in the United States and was
9 to receive a payment of \$200.00 dollars if successful. FONSECA
10 stated he received a call from a friend "Martin" who offered him
11 a job to make some money. FONSECA admitted he had attempted
12 smuggling undocumented aliens for "Martin" before and knew what
13 he was offering him. FONSECA stated he was in need of money and
14 accepted the job. FONSECA stated "Martin" and him drove to a
15 shopping plaza in Mexicali yesterday and picked up CASTANEDA.
16 FONSECA further stated "Martin" dropped CASTANEDA and him at a
17 stash house to wait until it was time to attempt the illegal
18 entry. FONSECA admitted while at the stash house he instructed
19 CASTANEDA what to do and reviewed the biographical information
20 she needed to memorize. FONSECA stated the next day CASTANEDA
21 and him were taken near the port of entry where he motioned her
22 to follow him and enter the building to attempt entry into the
23 United States. FONSECA admitted he told CASTANEDA if
24 successful he would be outside of the building waiting for her.
25 FONSECA admitted he knew CASTANEDA had no legal documents to
26 enter into the United States. FONSECA further admitted he knew
27 it was illegal to enter in the manner CASTANEDA did. FONSECA
28 also admitted he had smuggled before and had been doing it for
approximately three years. FONSECA stated if successful in the
smuggling attempt today he was to meet CASTANEDA outside and turn
her over to someone else.

CASTANEDA stated that she is a citizen of Mexico with no
legal documents to enter, reside, pass through or be lawfully

1 employed in the United States. CASTANEDA admitted she was
2 attempting to enter the United States with a fake document.
3 CASTANEDA stated that her family made the smuggling
4 arraignments and were to pay \$4000.00 dollars if successful.
5 CASTANEDA stated an unknown male by the name of "Luis" assisted
6 her in her illegal attempt into the United States. CASTANEDA
7 stated "Luis" reviewed the biographical information on the
8 document in preparation of her illegal attempt. CASTANEDA also
9 stated FONSECA instructed her to follow closely behind in line
10 at the port of entry. CASTANEDA was shown a six pack photo
11 line up and was able to identify photo #6, FONSECA as "Luis".
12 CASTANEDA stated FONSECA instructed her to meet him outside of
13 the building on the corner if successful in the attempt.
14 CASTANEDA stated her final destination was Los Angeles, CA to
15 reunite with her family.

16 Material Witness:

| 17 | Name | Country of Birth |
|----|-----------------------------|------------------|
| 18 | Griselda CASTANEDA-Sandoval | Mexico |

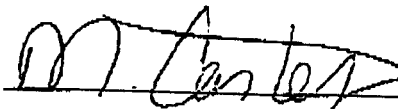
19 Further, the complainant states that she believes said
20 alien is a citizen of a country other than the United States;
21 that said alien has admitted that she is deportable; that her
22 testimony is material, that it is impracticable to secure her
23 attendance at the trial by subpoena; and she is material
24 witness in relation to this criminal charge and should be held
25 or admitted to bail pursuant to Title 18, United States Code,
26 Section 3144.

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1 // Executed on September 18, 2011, at approximately 8:00 P.M.
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6 Margarita Cater, CBP
7 Enforcement Officer

8 On the basis of the facts presented in the Probable Cause
9 statement consisting of four pages, I find probable cause to
10 believe that the defendant named in this probable cause
11 statement committed the offense on September 17, 2011 in the
12 violation of Title 8, United States Code, § 1324.

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15 HON. BERNARD G. SKOMAL
16 UNITED STATES MAGISTRATE JUDGE

17 9/18/11 9:20 P.M.
18

19 Date and Time
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